

PTO/SB/31(06-03)

Approved for use through 7/31/2003. OMB 0651-0031

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)  
100718-49 (Beiersdorf 5 9.1)**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on the 8th day of June, 2004.

Agata Gliniska  
Agata GliniskaIn re Application of  
Diembeck et al.Application Number  
09/367,748Filed  
19 November 1999For  
Compositions for Treating Acne RosaceaArt Unit  
1616Examiner  
Marina Lamm

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner dated March 31, 2004 finally rejecting claims 1,2,4-8,11-15 and 19-24.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

- ☐ Applicant claims small entity status. See 37 CFR 1.26. Therefore, the fee amount shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
- ☐ attorney or agent of record. Registration number if acting under 37 CFR 1.34(a) 48,104
- ☐ attorney or agent under 37 CFR 1.34(a).

June 8, 2004

Date

(212) 808-0700  
Telephone NumberHoward C. Lee  
SignatureHoward C. Lee  
Typed or printed name**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.8. This information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND PETS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

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